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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN STREET  
CHICAGO, IL 60604

EPA Region 5 Records Ctr.



355878

SEP 30 1991

Bharat Mathur, Manager  
Division of Air Pollution Control  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

RECEIVED

REPLY TO THE ATTENTION OF:

OCT 15 1991

ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF AIR POLLUTION CONTROL  
STATE OF ILLINOIS

Re: Violations of the Clean  
Air Act, Emissions of Volatile  
Organic Material from the Chemical  
Coatings Division facility in  
Chicago, Illinois

Dear Mr. Mathur:

Enclosed is a copy of a Notice of Violation (Notice) issued this date by the United States Environmental Protection Agency (U.S. EPA) to the Sherwin-Williams Company. The enclosed Notice of Violation re-alleges violations previously noticed, clarifies the bases for jurisdiction, and alleges additional violations.

The company was found in violation of 55 Fed. Reg. 26882 [to be codified at 40 C.F.R. §52.741(s)], and 55 Fed. Reg. 26885 [to be codified at 40 C.F.R. §52.741(y)]. These regulations are part of a federally revised State Implementation Plan for the State of Illinois.

This Notice has been issued pursuant to Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. §7413(a)(1) which provides in part:

Whenever, on the basis of any information available to the Administrator, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding.

Specifically, Sherwin-Williams Company is in violation of the Paint and Ink Manufacturing rules, and the Recordkeeping and Reporting Requirements for non-CTG Sources.



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After the expiration of thirty (30) days from the date of the Notice, U.S. EPA will take appropriate further action in accordance with Section 113 of the Clean Air Act. It is our hope that this Notice will substantially aid efforts to obtain immediate compliance.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'David Kee', is written over a horizontal line.

David Kee, Director  
Air and Radiation Division

Enclosure

cc: John Krolak, District Field Engineer  
Illinois Environmental Protection Agency

Carolyn Shoenberger, Commissioner  
Chicago Department of Consumer Services

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

The Sherwin-Williams Company  
Chicago, Illinois

)  
)  
) NOTICE OF VIOLATION  
) EPA-5-91-R-22  
)  
)

PROCEEDINGS PURSUANT TO  
SECTION 113(a)(1)  
OF THE CLEAN AIR ACT,  
42 U.S.C. §7413(a)(1),  
AS AMENDED BY THE CLEAN AIR  
ACT AMENDMENTS OF 1990.

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. §7413(a)(1), as amended by the Clean Air Act Amendments of 1990 (1990 Amendments), Pub. L. No. 101-549, 104 Stat. 2399, 2672. You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds that Sherwin-Williams Company is in violation of the federal revisions to the Illinois State Implementation Plan, which were approved on June 29, 1990, 55 Fed. Reg. 26814 (to be codified at 40 C.F.R. §52.741), and are part of the federally enforceable implementation plan for the State of Illinois.

REGULATORY BACKGROUND

1. The federal regulation revised the Reasonably Available Control Technology (RACT) rules for volatile organic compounds (VOC) contained in the Illinois State Implementation Plan. The federal revisions to the Illinois State Implementation Plan were promulgated pursuant to Section 110(c) of the Act and the 1990 Amendments, and are part of the federally enforceable State Implementation Plan for the State of Illinois.
2. Pursuant to 55 Fed. Reg. 26882 [to be codified at 40 C.F.R. §52.741(s)], all paint and ink manufacturing plants located in the six-county subject area, which have maximum theoretical non-CTG emissions of 100 tons or more per calendar year, if no pollution control equipment is used, or which produce more than 2,000,000 gallons per calendar year of paint or ink containing less than 10 percent by weight water, are subject to the provisions of 40 C.F.R. §52.741(s).
3. 40 C.F.R. §52.741(s)(4)(iii) requires that on or after July 1, 1990, the cover of any open-top mill, tank, vat or vessel of more than 12 gallons be maintained in good condition such that, when in place, it maintains contact with the rim of the opening for at least 90 percent of the circumference of the rim.

4. 40 C.F.R. §52.741(s)(6)(ii) requires that as of July 1, 1991, any stationary volatile organic liquid (VOL) container with a capacity greater than 250 gallons shall be equipped with a submerged-fill pipe or bottom fill system. These controls are to be operated at all times.
5. 40 C.F.R. §52.741(s)(8)(i) states that on or after July 1, 1991, no person shall clean paint or ink manufacturing equipment with organic solvent unless the equipment being cleaned is completely covered or enclosed except for an opening no larger than necessary to allow safe clearance for proper operation of the cleaning equipment.
6. Pursuant to 55 Fed. Reg. 26884 [to be codified at 40 C.F.R. §52.741(w)], the miscellaneous organic chemical manufacturing operations of facilities which have maximum theoretical non-CTG emissions of 100 tons or more per calendar year, if no pollution control equipment is used, are subject to the provisions of 40 C.F.R. §52.741(w).
7. 40 C.F.R. §52.741(w)(3) requires that on and after July 1, 1991, operators of miscellaneous organic chemical manufacturing processes provide emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent.
8. Pursuant to 55 Fed. Reg. 26884 [to be codified at 40 C.F.R. §52.741(x)], other emission sources of facilities which have maximum theoretical non-CTG emissions of 100 tons or more per calendar year, if no pollution control equipment is used, are subject to the provisions of 40 C.F.R. §52.741(x).
9. 40 C.F.R. §52.741(x)(3) requires that on and after July 1, 1991, operators of other emission sources provide emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent.
10. Pursuant to 55 Fed. Reg. 26885 [to be codified at 40 C.F.R. §52.741(y)], sources subject to paragraph (w) or (x), by July 1, 1991, shall perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject emission source will be in compliance on and after July 1, 1991.

#### FACTUAL BACKGROUND

11. The Sherwin-Williams Company owns and operates a paint and resin manufacturing facility at 11541 South Champlain Avenue in Chicago, Illinois. According to the classification found at 40 C.F.R. §52.721, the facility is located in an air quality control region classified as not attaining the National Ambient Air Quality Standard for ozone. The Sherwin-Williams Company is located in Cook County and is, therefore, subject to the federal revisions to the Illinois State Implementation Plan.

12. The Sherwin-Williams Company facility in Chicago, Illinois has maximum theoretical non-CTG emissions of more than 100 tons per calendar year, when no pollution control equipment is used. Sherwin-Williams is, therefore, subject to the provisions of 40 C.F.R. §52.741(s), 40 C.F.R. §52.741(w), and 40 C.F.R. §52.741(x).
13. Sherwin-Williams' Chicago facility produced more than 2,000,000 gallons per calendar year of paint containing less than 10 percent by weight water during the last four production years. Sherwin-Williams is, therefore, subject to the provisions of 40 C.F.R. §52.741(s). The facilities and equipment dedicated to paint manufacture at the Sherwin-Williams plant are regulated by 40 C.F.R. §52.741(s), "Paint and Ink Manufacturing".
14. Sherwin-Williams produces varnish and resin, which are defined to be "Miscellaneous Organic Chemicals". 55 Fed. Reg. 26861. The facilities and equipment dedicated to manufacture of varnish or resin are regulated by 40 C.F.R. §52.741(w), "Miscellaneous Organic Chemical Manufacturing Processes".
15. All sources of VOM emissions at the Sherwin-Williams Company paint and resin manufacturing facility which are not regulated by 40 C.F.R. §52.741(s), 40 C.F.R. §52.741(w), or a source-specific SIP rule, are subject to the provisions of 40 C.F.R. §52.741(x), "Other Emission Sources".
16. All sources which are subject to paragraph (w) or (x), are also subject to 40 C.F.R. §52.741(y), "Recordkeeping and Reporting for Non-CTG Sources".

#### FINDING OF VIOLATION

17. In violation of 40 C.F.R. §52.741(s)(4)(iii), the covers of the following open-top mills and tanks did not maintain contact with the rim of the opening for at least 90 percent of the circumference of the rim.

| item # | capacity    | type | gap (") | circum (") | % contact |
|--------|-------------|------|---------|------------|-----------|
| T3     | 40 gallons  | tank | 10.5 "  | 73 "       | 86 %      |
| T5     | 40 gallons  | tank | 8.5 "   | 73 "       | 88 %      |
| C6     | 600 gallons | mill | 41.0 "  | 210 "      | 80 %      |
| C22    | 600 gallons | mill | 57.0 "  | 224 "      | 75 %      |
| TT1    | 55 gallons  | tank | 16.0 "  | 77 "       | 79 %      |

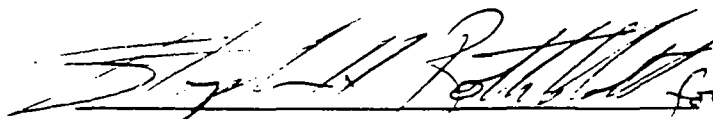
18. In violation of 40 C.F.R. §52.741(s)(6)(ii) none of the above-ground volatile organic liquid (VOL) containers with a capacity greater than 250 gallons are equipped with a submerged-fill pipe or bottom fill system at the Sherwin-Williams Chicago facility. An alternative control system has not been proposed by the company or approved by the Administrator as a State Implementation Plan or Federal Implementation Plan revision.
19. The paint and ink manufacturing vessels at the Sherwin-Williams Chicago facility are routinely cleaned with the lids open, in violation of 40 C.F.R. §52.741(s)(8)(i).
20. In violation of 40 C.F.R. §52.741(y), Sherwin-Williams failed to perform tests and submit the results by July 1, 1991, to demonstrate that the emission sources subject to 40 C.F.R. §52.741(w), and 40 C.F.R. §52.741(x) will be in compliance on and after July 1, 1991.

NOTICE OF VIOLATION

21. The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and the Sherwin-Williams Company that the facility described above is in violation of the federally enforceable State Implementation Plan for the State of Illinois at 55 Fed. Reg. 26882 [to be codified at 40 C.F.R. §52.741(s)], and 55 Fed. Reg. 26885 [to be codified at 40 C.F.R. §52.741(y)], as set forth in this Notice of Violation.

Date:

9/30/91



David Kee, Director  
Air and Radiation Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN STREET

CHICAGO, IL 60604

REPLY TO THE ATTENTION OF

SEP 30 1991

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

John G. Breen, Chairman  
The Sherwin-Williams Company  
101 Prospect Avenue, Northwest  
Cleveland, Ohio 44115

Re: Violations of the Clean  
Air Act, Emissions of Volatile  
Organic Material from the Chemical  
Coatings Paint and Resin facilities  
in Chicago, Illinois

Dear Mr. Breen:

The enclosed Notice of Violation re-alleges violations previously noticed, clarifies the bases for jurisdiction, and alleges additional violations.

This Notice of Violation is issued this date pursuant to Section 113(a)(1) of the Clean Air Act (the Act), as amended 42 U.S.C. §7413(a)(1), as notification that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds the Chemical Coatings Division of the Sherwin-Williams Company, located at 11541 South Champlain Avenue, Chicago, Illinois, to be in violation of the federal revisions to the Illinois State Implementation Plan.

Section 113 of the Clean Air Act provides U.S. EPA with several enforcement options including the issuance of an administrative order or the commencement of civil or criminal actions. In addition, Section 120 provides for the assessment and collection of noncompliance penalties, and Section 306, as implemented by Executive Order 11738 and 40 C.F.R. 15, provides that facilities in noncompliance with the Act may become ineligible for Federal contracts, grants or loans.

We are offering you or your representative an opportunity for a conference to discuss the violations which are the subject of the Notice of Violation. The conference will allow you to present information bearing on the nature of the violation, any efforts you have made to achieve compliance, and on the steps you propose to take.

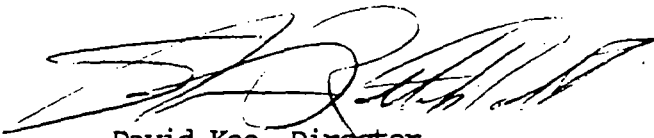


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The U.S. EPA contact in this matter is Denny Dart. Please contact her at (312) 886-1426 to request a conference. Such a request should be made as soon as possible, but no later than ten (10) days after receipt of this Notice of Violation.

Any conference must be held within thirty (30) days of your receipt of this Notice.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'D. Kee', with a stylized flourish at the end.

David Kee, Director  
Air and Radiation Division

Enclosure

cc: Bharat Mathur, Manager  
Division of Air Pollution Control  
Illinois Environmental Protection Agency

Carolyn Shoenberger, Commissioner  
Chicago Department of Consumer Services

Robert C. Martin, Division Director  
Environmental Services  
The Sherwin-Williams Company